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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter I—Account Servicing

PART 387—SECURITY

TRANSFERS OF FARM OWNERSHIP FARMS

Section 387.31, Part 387 of Title 6 of the Code of Federal Regulations (12 F. R. 5991), entitled "Transfers of farm ownership farms, with releases from personal liability, under the Bankhead-Jones Farm Tenant Act, as amended," is hereby amended by revoking subparagraph (4) under paragraph (c) of said § 387.31.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493)

Issued the 29th day of March 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: March 31, 1948.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-3000; Filed, Apr. 5, 1948; 8:58 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

VALUATION OF UNITED STATES SAVINGS BONDS IN COMMON TRUST FUND

The following interpretation under this part was issued by the Board of Governors of the Federal Reserve System on March 24, 1948.

§ 206.103 *Valuation of United States Savings Bonds in Common Trust Fund.* The Board has received inquiries concerning the question whether, in the periodic valuation of assets in a Common Trust Fund operated in accordance with § 206.17 (c), it is permissible to value Series G United States Savings Bonds at par value rather than redemption value.

In a statement published in the Federal Reserve Bulletin for January 1942 at page 7, the Board expressed the opinion that redemption value was the most appropriate basis for valuing such bonds. As pointed out at that time, however, the only provision of this part which is pertinent to this matter is the requirement, in § 206.17 (c) (1), that the written plan for the operation of a Common Trust Fund shall include, among other things, provisions relating to the basis and method of valuing the assets in the Fund, and the part does not undertake to prescribe any precise basis or method of valuation. Accordingly, this part does not prohibit the valuing of Series G United States Savings Bonds at par value in the periodic valuation of assets in a Common Trust Fund, and such action is permissible if it is consistent with the terms of the written plan governing the Common Trust Fund and with applicable State law.

(Secs. 2, 3, 24 Stat. 18, 19, secs. 11 (i) (k) 38 Stat. 261, 262, as amended, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, 56 Stat. 824, as amended, 12 U. S. C. and Sup., 30, 31, 248 (i), (k), 33, 34a, 26 U. S. C. Sup. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 48-2990; Filed, Apr. 5, 1948; 8:58 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51874]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

BAGGAGE DECLARATION

Section 10.26 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.26 (b)) is hereby amended by adding the following sentence at the end thereof: "Citizens of the United States who are employed in a civilian capacity by The Panama Canal and who are not returning residents may include in the corded and sealed packages articles classifiable

(Continued on next page)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

under the first provision of paragraph 1798 of the tariff act, as amended, and professional books, implements, instruments, and tools of trade, occupation, or employment provided for in the second provision of the second proviso to paragraph 1798, as amended."

(Pars. 1615, 1632, 1798, sec. 201, 46 Stat. 672–685, as amended, secs. 498, 624, 46 Stat. 728, 759, as amended, 19 U. S. C. 1201, 1498, 1624)

[SEAL] WILLIAM R. JOHNSON,
Acting Commissioner of Customs.

Approved: March 30, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3005; Filed, Apr. 5, 1948; 8:58 a. m.]

[T. D. 51875]

PART 59—IMPORTATION OF SURPLUS GOVERNMENT PROPERTY

PROOF OF USE AS SCRAP METAL

§ 59.2 *Proof of use as scrap metal.* (a) Surplus Government property produced in the United States and sold in foreign areas which is in the same or substantially the same form in which it was exported from the United States, and is readily identifiable as such, is permitted entry into the country by Federal Liquidation Commissioner's Regulation 8, Amendment 2 (32 CFR 8508.15), if sold abroad primarily for and imported for use as scrap metal and the importer furnishes an undertaking in a form and an amount prescribed by the Treasury Department to insure that none of the property will be diverted from use as scrap metal. An importer bringing in merchandise under that regulation shall file with the collector of customs a regular immediate delivery and consumption entry bound (single entry), customs Form 7551, in an amount equal to three times the value of the merchandise, and containing the following added condition:

There is incorporated in and made a part of the bond No. ------, dated ----------, in the amount of ----------, executed by ----------, as principal, and ----------, as surety, the following added condition:

Whereas, the principal named in said bond has been permitted to enter merchandise subject to the provisions of the Surplus Property Act of 1944, for use as scrap metal;

The obligors named in the said bond stipulate and agree that all the above-described merchandise shall be used as scrap metal within 1 year from the date of importation of said merchandise, or within any lawful extension of that period, except such portions of the merchandise as are not usable as scrap metal because of their nonmetallic character; that portions of the said merchandise which are not usable as scrap metal because of their nonmetallic character shall be destroyed or so changed in condition within 1 year from the date of importation, or any lawful extension of that period, that they shall be no longer the same or substantially the same articles which were produced in the United States and are not readily identifiable as such articles; that the obligors shall produce to the collector of customs within 15 months after the date of importation of the said merchandise, or within any lawful extension of that period, satisfactory proof showing that the said merchandise was used as scrap metal, or if not usable for that purpose, was destroyed or changed in condition to the extent specified herein, within the periods prescribed; and that if the said merchandise is used, destroyed, or changed in condition, and the proof of such action is produced, as agreed; or, in default thereof, the obligors shall pay to the collector of customs such amounts as liquidated damages as may be demanded by him, not exceeding the amount of this obligation;

Then this added condition shall be void; otherwise, it shall remain in full force and effect.

(b) Upon failure to comply with the added condition, the collector shall demand in writing the payment of liquidated damages in the full amount of the bond. The demand shall contain a statement that a written application for relief from the payment of the full amount of the damages may be filed with the collector within 60 days after the date of the demand.

(c) Affidavits of managers or superintendents of plants or scrap yards having knowledge of the facts required to be proved under the added condition in the bond may be accepted as proof of the use or disposition made of the merchandise.

(d) The collector may grant not more than two extensions of 6 months each in connection with any period prescribed in the added condition in the bond within which an act is to be performed, provided a written application therefor is filed with him before the expiration of the period concerned. Applications not received within the time prescribed, or for extensions in addition to the two authorized in connection with a specific period shall be forwarded to the Bureau of Customs for consideration. (Sec. 33; 58 Stat. 782; 50 U. S. C. App. Sup. 1642)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: March 30, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3006; Filed, Apr. 5, 1948; 8:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING

Amendment 27 to the Controlled Housing Rent Regulation.[1] Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. The title of Part 825 is amended to read as follows: "Rent Regulations under the Housing and Rent Act of 1947, as amended."

2. The first paragraph of § 825.1 is amended by inserting after the word "Congress" the following: ", as amended."

3. Section 1, *Definitions and scope of this regulation*, paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

4. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

5. Section 1, *Definitions and scope of this regulation*, paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

[1] 12 F. R. 4331, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793.

6. Section 1, *Definitions and scope of this regulation*, paragraph (13), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

7. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) below.

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided*, That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(*c*) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing*—(*a*) *Summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to housing accommodations in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(*b*) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however*, That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in paragraphs (*a*) and (*d*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however*, That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to vet-

erans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (b) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change in a structure from a nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (a) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and a tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(b) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and a tenant (including landlords and tenants who have executed leases in accordance with paragraph (a) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All housing accommodations referred to in paragraph (a) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by this regulation prior to the effective date of the lease.

All housing accommodations referred to in paragraph (b) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by this regulation.

All housing accommodations referred to in paragraphs (a) and (b) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948 and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (b) above is in force.

Reporting requirements. A landlord shall file Form D-92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (b) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (a) or (b) above prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

8. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

9. Section 2 (c) is amended by adding paragraph (9) to read as follows:

(9) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

10. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 4 (e) or 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

11. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (a) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

12. The first paragraph of section 4 (c) is amended to read as follows:

(c) *First rent after June 30, 1947 (see also section 4 (e)).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6).

13. Section 4 (e) is added to read as follows:

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the

Expediter at any time may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under sections 5 (c) (1) or 5 (c) (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of section 7 herein. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

14. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (i) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on inter-related matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increased granted by the appropriate agency of the United States.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

15. Section 5 (a) (3) is amended by inserting before the period at the end of the first sentence the following: "but before April 1, 1948."

16. Section 5 (a) (5) is hereby revoked.

17. Section 5 (a) (9) is hereby revoked.

18. Section 5 (a) (11) is amended to read as follows:

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

19. Section 5 (b) is amended to read as follows:

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) Adjustment in maximum rent for decreases. The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was

required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

20. Section 5 (c) (1) is amended to read as follows:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), (g), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (e) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

21. Section 5 (c) (3) is amended by inserting, before the period at the end thereof, the following: "but before April 1, 1948."

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3038; Filed, Apr. 2, 1948; 12:03 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING FOR NEW YORK CITY DEFENSE-RENTAL AREA

Amendment 5 to the Controlled Housing Rent Regulation for the New York City Defense-Rental Area.[1] Controlled Housing Rent Regulation for New York City Defense-Rental Area (§ 825.2) is amended in the following respects:

1. The first paragraph of § 825.2 is amended by inserting after the word "Congress" the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation*, paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1".

4. Section 1, *Definitions and scope of this regulation*, paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

5. Section 1, *Definitions and scope of this regulation*, paragraph (13), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments for the New York City Defense-Rental Area.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) below.

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by a lessee, sublessee, or other tenant of such entire structures or premises, provided that all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments for the New York City Defense-Rental Area.

(*c*) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments for the New York City Defense-Rental Area.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in Section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

[1] 12 F. R. 4295, 5422, 5455, 5696; 13 F. R. 231, 441.

Reporting requirements. Every landlord of housing accommodations referred to in paragraphs (*a*) and (*b*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948 file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veteran's Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change in a structure from a nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with paragraph (*a*) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All housing accommodations referred to in paragraph (*a*) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by this regulation prior to the effective date of the lease.

All housing accommodations referred to in paragraph (*b*) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by this regulation.

All housing accommodations referred to in paragraphs (*a*) and (*b*) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948 and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (*b*) above is in force.

Reporting requirements. A landlord shall file form D–92–Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (*b*) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter of any termination of a lease referred to in paragraphs (*a*) or (*b*) above prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (9) to read as follows:

(9) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 4 (e) or 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The first paragraph of section 4 (c) is amended to read as follows:

(c) *First rent after June 30, 1947 (see also section 4 (e)).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6).

12. Section 4 (e) is added to read as follows:

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under sections 5 (c) (1) or 5 (c) (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of section 7 herein. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

13. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), (c) (8) and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided further,* That in cases under section 5 (i) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on September 30, 1943.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in costs of services, furniture, furnishings or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

14. Section 5 (a) (3) is amended by inserting before the period at the end of the first sentence the following: "but before April 1, 1948)."

15. Section 5 (a) (5) is hereby revoked.

16. Section 5 (a) (9) is hereby revoked.

17. Section 5 (a) (11) is amended to read as follows:

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

18. Section 5 (b) is amended to read as follows:

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph

(b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

Whereas a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

19. Section 5 (c) (1) is amended to read as follows:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), or (g), of section 4 of the Rent Regulation for Housing for the New York City Defense-Rental Area, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (e) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), or (e), of section 4 of the Rent Regulation for Housing for the New York City Defense-Rental Area, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

20. Section 5 (c) (3) is amended by inserting, before the period at the end thereof, the following: "but before April 1, 1948."

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3037; Filed, Apr. 2, 1948; 12:03 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING FOR MIAMI DEFENSE-RENTAL AREA

Amendment 6 to the Controlled Housing Rent Regulation for Miami Defense-Rental Area.[1] Controlled Housing Rent Regulation for Miami Defense-Rental Area (§ 825.3) is amended in the following respects:

1. The first paragraph of § 825.3 is amended by inserting after the word "Congress" the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation,* paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

4. Section 1, *Definitions and scope of this regulation,* paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

[1] 12 F. R. 4374, 5422, 5455, 5698; 13 F. R. 231, 441, 1118.

5. Section 1, *Definitions and scope of this regulation,* paragraph (13), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply—(1) Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments in Miami Defense-Rental Area.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) below.

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises, provided that all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments for Miami Defense-Rental Area.

(*c*) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments in Miami Defense-Rental Area.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to November 1, 1943, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(vii) *Tourist tenants.* Housing accommodations located in a resort community which, during at least six months of the year ending May 31, 1947, were either rented to tourist tenants or vacant, or both, and which were rented to a tourist tenant or not rented on May 31, 1947. This exemption shall apply to such accommodations only while rented to tourist tenants. For the purpose of this section, the term "tourist tenant" shall mean a tenant having his domicile outside of the resort community who is, or was, temporarily residing within such community: *Provided, however,* That the term shall not include a tenant who has continuously resided in the resort community for a period of more than nine months immediately prior to May 31, 1947, or more than nine months immediately prior to the date of renting the accommodations, whichever is the later.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in Section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in paragraphs (*a*) and (*d*) above, who has not filed an application for decontrol prior to April 1, 1948, shall, on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change in a structure from a nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with paragraph (*a*) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All housing accommodations referred to in paragraph (*a*) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by this regulation prior to the effective date of the lease.

All housing accommodations referred to in paragraph (*b*) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by this regulation.

All housing accommodations referred to in paragraphs (*a*) and (*b*) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948 and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (*b*) above is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate—with the true and duly executed copy of the lease required to be filed in paragraph (*b*) above.

A landlord shall file a report in the area rent office, on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (*a*) or (*b*) above prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (8) to read as follows:

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required be-

fore that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 4 (e) or 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease, or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The first paragraph of section 4 (c) is amended to read as follows:

(c) *First rent after June 30, 1947 (see also section 4 (e)).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c) (1).

12. Section 4 (e) is added to read as follows:

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in section 5 (c) (1) and 5 (c) (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under sections 5 (c) (1) or 5 (c) (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of section 7 herein. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

13. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In cases under paragraphs (a) (2), (a) (4), (a) (8), (a) (9), (a) (11), (c) (1), (c) (3), and (c) (5), the adjustment of the maximum rent shall be on the basis of the maximum rent which the Expediter finds is generally prevailing in the defense-rental area for comparable housing accommodations.

In cases under paragraphs (a) (1), (a) (3), (a) (6), (c) (2), (c) (4), and (c) (6), the adjustment of the maximum rent shall be the amount the Expediter finds would have been, on September 1, 1943, or during the year ending on August 31, 1943, the difference in the rental value of the housing accommodations by reason of the change upon which the adjustment is based: *Provided,* That in cases under sections 5 (a) (3) and 5 (c) (4) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases under paragraph (h), the adjustment of the maximum rent shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations during the corresponding month of the year ending on August 31, 1943.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In those cases involving a major capital improvement, an increase or decrease in the services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, no adjustment shall be ordered to the extent that a rent used in establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In cases under paragraph (a) (10) the maximum rent shall be adjusted to an amount to be ascertained by adding to the total rent for the year ending on August 31, 1943, an amount equal to the rent for the housing accommodations during the month or months of that year most nearly comparable to the month or months during which the accommodations were not rented, and dividing by twelve.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in costs of services, furniture, furnishings or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (7) of this section, the adjustment in the maxi-

mum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (14) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In cases under paragraph (j) of this section the adjustment shall be in the amount necessary to correct the error.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

14. Section 5 (a) (3) is amended by inserting before the period at the end of the first sentence the following: "but before April 1, 1948."

15. Section 5 (a) (5) is hereby revoked.

16. Section 5 (a) (7) is hereby revoked.

17. Section 5 (a) (11) is amended to read as follows:

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

18. Section 5 (b) is amended to read as follows:

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (4).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

19. Section 5 (c) (1) is amended to read as follows:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (b), (d), or (f), of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (e) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (b), (d), or (f) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

20. Section 5 (c) (4) is amended by inserting, before the period at the end thereof, the following: "but before April 1, 1948."

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3035; Filed, Apr. 2, 1948; 12:03 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA

Amendment 5 to the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area. Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area[1] (§ 825.4) is amended in the following respects:

1. The first paragraph of § 825.4 is amended by inserting after the word "Congress," the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation*, paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever references are made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

4. Section 1, *Definitions and scope of this regulation*, paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor, or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

5. Section 1, *Definitions and scope of this regulation*, paragraph (13), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located, and which provides customary hotel services.

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[1] 12 F. R. 4381, 5422, 5456, 5697; 13 F. R. 231, 442.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) below.

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(*c*) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive.

(vii) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1948 and ending on or before September 30, 1948 by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1948 to the date of subletting or other subrenting.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in paragraphs (*a*) and (*d*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948 file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this paragraph (v), housing accommodations concerning which a landlord and a tenant (including landlords and tenants who have executed leases in accordance with paragraph (*a*) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All housing accommodations referred to in paragraph (*a*) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by this regulation prior to the effective date of the lease.

All housing accommodations referred to in paragraph (b) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by this regulation.

All housing accommodations referred to in paragraphs (a) and (b) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (b) above is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (b) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (a) or (b) above prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (9) to read as follows:

(9) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 4 (e) or 5 (b) or as otherwise provided in this section, every landlord shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (a) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in section 1 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The first paragraph of section 4 (c) is amended to read as follows:

(c) *First rent after June 30, 1947 (see also section 4 (e)).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6).

12. Section 4 (e) is added to read as follows:

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under sections 5 (c) (1) or 5 (c) (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of section 7 herein. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

13. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on

the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (i) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

14. Section 5 (a) (3) is amended by inserting before the period at the end of the first sentence the following: "but before April 1, 1948."

15. Section 5 (a) (5) is hereby revoked.

16. Section 5 (a) (9) is hereby revoked.

17. Section 5 (a) (11) is amended to read as follows:

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

18. Section 5 (b) is amended to read as follows:

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) Adjustment in maximum rent for decreases. The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

19. Section 5 (c) (1) is amended to read as follows:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), (g), or (j) of Section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (e) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

20. Section 5 (c) (3) is amended by inserting, before the period at the end thereof, the following: "but before April 1, 1948."

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3036; Filed, Apr. 2, 1948; 12:03 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 27 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.[1] Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. The first paragraph of § 825.5 is amended by inserting after the

[1] 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793.

word "Congress" the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation*, paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

4. Section 1, *Definitions and scope of this regulation*, paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

5. Section 1, *Definitions and scope of this regulation*, paragraph (15), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Nonprofit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a nonprofit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (*c*) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(vii) *Resort housing*—(*a*) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to controlled rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(*b*) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to controlled rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use the upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) rooms in establishments which were motor courts on June 30, 1947; (*c*) trailers and ground space rented for trailers; (*d*) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (*e*) rooms in other establishments (see definition of other establishments in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services.

Reporting requirements. Every landlord of rooms referred to in paragraphs (*a*), (*d*), and (*e*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (*a*) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change from nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year period.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1,

1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(b) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with paragraph (a) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All controlled rooms referred to in paragraph (a) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the controlled rooms as were required to be provided by this regulation prior to the effective date of the lease.

All controlled rooms referred to in paragraph (b) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by this regulation.

All controlled rooms referred to in paragraphs (a) and (b) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (b) above is in force.

Reporting requirements. A landlord shall file Form D-92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (b) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (a) or (b) above prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (6) to read as follows:

(6) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (a) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (9), (a) (10), (c) (4) and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent or the date establishing the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (10), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under section 5 (a) (3) appropriate allowance shall be made for

general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

12. Section 5 (a) (5) is hereby revoked.

13. Section 5 (a) (8) is amended to read as follows:

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3034; Filed, Apr. 2, 1948; 12:02 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN NEW YORK CITY DEFENSE-RENTAL AREA

Amendment 5 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area.[1] Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§ 825.6) is amended in the following respects:

1. The first paragraph of § 825.6 is amended by inserting after the word "Congress", the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation*, paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

4. Section 1, *Definitions and scope of this regulation*, paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

5. Section 1, *Definitions and scope of this regulation*, paragraph (15), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (*c*) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(vii) *Resort housing*—(*a*) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to controlled rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(*b*) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however*, That the Area Rent Director may by order extend the above exemption to controlled rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1948, to March 31, 1949.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) rooms in establishments which were motor courts on June 30, 1947; (*c*) trailers and ground space rented for trailers; (*d*) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (*e*) rooms in other establishments (see definition of other establishments in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and bellboy services.

Reporting requirements. Every landlord of rooms referred to in paragraphs (*a*), (*d*), and (*e*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (*a*) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however*, That maximum rents estab-

[1] 12 F. R. 4318, 5423, 5458, 5700; 13 F. R. 231, 442.

lished under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year period.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 per cent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with paragraph (*a*) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All controlled rooms referred to in paragraph (*a*) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings and equipment with the controlled rooms as were required to be provided by this regulation prior to the effective date of the lease.

All controlled rooms referred to in paragraph (*b*) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by this regulation.

All controlled rooms referred to in paragraphs (*a*) and (*b*) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (*b*) above is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (*b*) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (*a*) or (*b*) above prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (6) to read as follows:

(6) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to

the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (9), (a) (10), (c) (4), (c) (5), and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent or the date establishing the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (a) (10), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (c) (5) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (6) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

12. Section 5 (a) (5) is hereby revoked.

13. Section 5 (a) (8) is amended to read as follows:

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3032; Filed, Apr. 2, 1948; 12:02 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

Amendment 6 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area.[1] Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§ 825.7) is amended in the following respects:

1. The first paragraph of § 825.7 is amended by inserting after the word "Congress" the following: ", as amended."

2. Section 1, *Definitions and scope of this regulation,* paragraph (1) headed "Act" is amended to read as follows:

"Act" means the Housing and Rent Act of 1947, as amended.

3. Wherever reference is made in this regulation to Rent Procedural Regulation 1 or Rent Procedural Regulation No. 1, such references are amended to read: "Revised Rent Procedural Regulation 1."

4. Section 1, *Definitions and scope of this regulation,* paragraph (4), headed "Local Advisory Board" is amended to read as follows:

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

5. Section 1, *Definitions and scope of this regulation,* paragraph (15), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

6. Section 1 (b) is amended to read as follows:

(b) *Decontrolled and exempted housing to which this regulation does not apply*—(1) *Exempted housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (*c*) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

[1] 12 F. R. 4374, 5422, 5455, 5698; 13 F. R. 231, 442, 1119.

(vii) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 15, 1943, the effective date of the "Hotel Regulation," which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to controlled rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing to which this regulation does not apply.* This regulation does not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in section 1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) rooms in establishments which were motor courts on June 30, 1947; (*c*) trailers and ground space rented for trailers; (*d*) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (*e*) rooms in other establishments (see definition of other establishments in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services.

Reporting requirements. Every landlord of rooms referred to in paragraphs (*a*), (*d*), and (*e*) above, who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (*a*) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this paragraph (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year pediod.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in section 1.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this paragraph (v), controlled rooms concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with paragraph (*a*) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus the amount of any adjustment under section 5 of this regulation, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) above. All controlled rooms referred to in paragraph (*a*) shall be subject to this regulation unless the lease provided for the same living space, services, furniture, furnishings, and equipment with the controlled rooms as were required to be provided by this regulation prior to the effective date of the lease.

All controlled rooms referred to in paragraph (*b*) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by this regulation.

All controlled rooms referred to in paragraphs (*a*) and (*b*) shall be subject to this regulation if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of paragraph (*b*) above is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in paragraph (*b*) above.

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in paragraphs (*a*) or (*b*) above prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

7. Section 2 (a) is amended by deleting from the second sentence thereof the following: "minimum space,".

8. Section 2 (c) is amended by adding paragraph (6) to read as follows:

(6) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

9. Section 3 is amended to read as follows:

SEC. 3. *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in section 5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation on March 31, 1948.

Where the maximum rent is determined under section 4 (b) (1) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by this regulation prior to the effective date of the lease.

Where the maximum rent is determined under section 4 (b) (2) of this regulation, the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by this regulation in the absence of a lease.

10. Section 4 (b) is amended to read as follows:

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in section 1 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

11. The unnumbered paragraphs in section 5 are amended to read as follows:

This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendations cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (9), (c) (4) and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent or the date establishing the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under section 5 (a) (3) appropriate allowance shall be made for general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

12. Section 5 (a) (5) is hereby revoked.

13. Section 5 (a) (8) is amended to read as follows:

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective this 1st day of April 1948.

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3033; Filed, Apr. 2, 1948; 12:02 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Chapter B—Export Control

[Amdt. 400]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

PART 804—INDIVIDUAL LICENSES

MODIFICATION OF SAVING CLAUSE OF AMENDMENT 396

The saving clause contained in the paragraph at the end of Amendment 396 (13 F. R. 1120) with respect to commodities which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to March 1, 1948 is hereby rescinded effective at midnight April 6, 1948, except that commodities which are laden aboard an exporting carrier prior to midnight April 6, 1948 may be exported under the general license provisions, if any, applicable to such commodity prior to March 1, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: April 2, 1948.

THOMAS C. BLAISDELL, Jr.,
Director,
Office of International Trade.

[F. R. Doc. 48-3045; Filed, Apr. 5, 1948; 9:30 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective April 1, 1948, Appendix A (13 F. R. 1284) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station		Total	Travel
Subsistence	Quarters		
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed herein.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia. Colombia (except Bogota).

Class III

$2.55	$3.75	$6.30	$9.00

Hungary.

Class IV

$3.00	$0.75	$3.75	$7.00

Cuba (except Havana).
Belgium.
Costa Rico.
Great Britain and Northern Ireland (except London).
Guatemala.
Nicaragua.
Chile (except Punta Arenas).
Paraguay.
Brazil (except Rio de Janeiro, Sao Paulo and Recife).
Ecuador.
Honduras.
El Salvador.
Dominican Republic.
Surinam.
Bolivia.
Morocco.
Peru.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan.
Algeria.
Alaska.
Argentina.
Bermuda.
China.
Denmark.
Ethiopia.
Finland.
France (except Paris and Orly Field).
Irish Free State.
Italy.
Liberia (except Monrovia).
Netherlands.
Norway.
Recife, Brazil.
Spain.
Sweden.
Tunisia.
Trieste (free city of).
Union of South Africa.
Uruguay.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class VI

Station		Total	Travel
Subsistence	Quarters		
$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII

$3.75	$1.00	$4.75	$8.00

Portugal.

Class VIII

$3.75	$1.50	$5.25	$8.00

Ceylon.
Egypt (except Cairo).
Paris and Orly Field, France.
India.
French Indo-China.
Turkey.
Philippine Islands.
Mexico City.
London.
Pakistan.
Siam.

Class IX

$3.75	$2.00	$5.75	$9.00

Switzerland. Bogota, Colombia.

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt.

Class XI

$3.75	$4.00	$7.75	$11.00

Bulgaria. Netherlands East Indies.

Class XII

$4.50	$1.50	$6.00	$9.00

Havana, Cuba. Monrovia, Liberia.
Syria.

Class XIII

$5.25	$1.75	$7.00	$10.00

Iraq. Palestine.
Trans-Jordan.

Class XIV

$6.00	$1.50	$7.50	$10.00

Republic of Lebanon.
Rangoon, Burma.
Singapore.
Turkey.
Malayan Union.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class XV

Station		Total	Travel
Subsistence	Quarters		
$7.50	$3.50	$11.00	$15.00

Union of Soviet Socialist Republics.

Class XVI

$6.00	$3.00	$9.00	$12.00

Iceland. Rumania.
Yugoslavia.

Class XVII

None	$1.75	$1.75	$7.00

Australia.

Special Classification

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowance prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$6.75	$3.25	$10.00	$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Rio de Janeiro, Brazil. Sao Paulo, Brazil.

$6.75	$5.25	$12.00	$12.00

Venezuela.

Dated: March 25, 1948.

THOMAS PARRAN,
Surgeon General.

Approved: March 31, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-2989; Filed. Apr. 5, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES TO SHELTERED WORKSHOPS

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshop hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (Sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (Secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The Chicago Lighthouse for the Blind, 3323 West Cermak Road, Chicago 23, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever

is higher; certificate is effective March 25, 1948, and expires September 30, 1948.

Syracuse Association of Workers for the Blind, Inc., 425 James Street, Syracuse 3, New York; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective March 25, 1948, and expires March 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workships as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of either of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of March 1948.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 48-3002; Filed, Apr. 1, 1948; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3272]

PAN AMERICAN AIRWAYS, INC., AND URABA, MEDELLIN AND CENTRAL AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the petition of Pan American Airways, Inc., and Uraba, Medellin and Central Airways, Inc., for approval under section 408 of the Civil Aeronautics Act of 1938, as amended, of the acquisition by Pan American Airways, Inc., of all the property of Uraba, Medellin and Central Airways, Inc., and of the transfer to Pan American Airways, Inc., under section 402 (i) of the act of the certificate of public convenience and necessity of Uraba, Medellin and Central Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on April 14, 1948, at 10 a. m. (eastern standard time) in Room 131, Wing C, Temporary Building No. 5, 16th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said petition, particular attention will be directed to the following matters and questions:

1. Whether the proposed acquisition and transfer of the certificate will be consistent with the public interest within the meaning of section 401 (i), 408 (a) and 408 (b) of the Civil Aeronautics Act of 1938, as amended.

2. Whether Pan American Airways, Inc., is fit, willing and able to perform the air transportation authorized in the certificate of Uraba, Medellin and Central Airways, Inc.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 14, 1948 a statement setting forth the issues of fact or law raised by said petition which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the petition on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 30, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-3007; Filed, Apr. 5, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

NOTICE OF ORDER DENYING MOTION TO DISMISS AND REOPENING PROCEEDING FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE

APRIL 1, 1948.

Notice is hereby given that, on March 31, 1948, the Federal Power Commission issued its order entered March 31, 1948, denying the motion of Texas Eastern Transmission Corporation to dismiss, and reopening proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3001; Filed, Apr. 5, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1772]

ARKANSAS POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1948.

Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric's utility subsidiary, Arkansas Power & Light Company ("Arkansas"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 12 (c) and 12 (f) thereof and Rule U-43 thereunder with respect to the following proposed transactions:

Arkansas has outstanding 1,460,000 shares of common stock, of a par value of $12.50 per share, all of which are owned by Electric. Arkansas proposes to issue and sell to Electric, and Electric proposes to acquire, an aggregate of 320,000 additional shares of the common stock of Arkansas for a cash consideration of $4,000,000. The application-declaration states that the proceeds from the proposed sale of common stock will be used for the construction of new facilities and the extension and improvement of present facilities.

The application-declaration having been filed on March 11, 1948, and an amendment thereto having been filed on March 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings with respect to the application-declaration, as amended, under the applicable provisions of the act and the Commission finding that Arkansas is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof; it appearing that the issuance and sale of the stock are solely for the purpose of financing the business of Arkansas as a public utility, and that the Public Service Commission of the State of Arkansas, the state in which Arkansas was organized and is doing business has expressly authorized the proposed transaction; and the Commission being of the opinion that it is appropriate to grant and permit to become effective said application-declaration, as amended, without the imposition of terms and conditions, and also deeming it appropriate to grant applicants-declarants' request that the order herein be effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2991; Filed, Apr. 5, 1948; 8:46 a. m.]

[File No. 70-1760]

OHIO POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of March A. D. 1948.

The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10 (a), and 12 (c) thereof, and Rules U-42 and U-50 thereunder regarding, among other things, the issuance and sale at competitive bidding of $40,000,000 principal amount of First Mortgage Bonds ___% Series, due 1978; and

The Commission having by order dated March 22, 1948, granted and permitted to become effective said application-declaration, as then amended, subject to the condition that the proposed issue and sale of Bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed, and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Ohio having filed an amendment to its application setting forth the action taken to comply with the requirements of Rule U-50, said amendment stating that pursuant to the invitation for competitive bids, bids on said Bonds were received from four groups of underwriters as set forth below.

Underwriting group	Coupon rate	Price to company	Cost to company
	Per cent		
Halsey, Stuart & Co. Inc.	3	100.5299	2.9732
The First Boston Corp.	3	100.1899	2.9901
Dillon, Read & Co., Inc.	3	100.10	2.9951
Harriman Ripley & Co., Inc., Stone & Webster Securities Corp.	3	100.0199	2.9987

Said amendment to the application further stating that Ohio has accepted the bid of the group headed by Halsey, Stuart & Co. Inc. as set forth above, and that the Bonds will be offered for sale to the public at a price of 100.99% of the principal amount thereof resulting in an underwriters' spread of .46001% of the principal amount of said Bonds; and

It appearing to the Commission that fees and expenses aggregating $166,130 proposed to be paid in connection with the proposed transactions are not unreasonable, said fees and expenses including counsel fees as follows:

Simpson Thacher and Bartlett (New York Counsel for the Company)	$21,000
Pomerene & Burns (Ohio Counsel to the Company)	10,000
Handlan, Garden, Matthews & Hess (West Virginia Counsel to the Company)	$3,000
Winthrop, Stimson, Putnam & Roberts (Counsel for the Underwriters. Fee to be paid by the successful purchasers)	12,500

The Commission having examined said amendment, and having considered the entire record, and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds under Rule U-50 be, and the same hereby is, released, and that the application-declaration, as further amended herein, be, and the same hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to the payment of fees and expenses incurred in connection with the proposed transactions including the fees and expenses payable to counsel for the successful bidder be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2992; Filed, Apr. 5, 1948; 8:46 a. m.]

[File No. 70-1750]

UTAH POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1948.

Utah Power & Light Company ("Utah"), a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the Rules and Regulations promulgated thereunder regarding, among other things, the issue and sale by Utah pursuant to the competitive bidding requirements of Rule U-50 of $3,000,000 principal amount of First Mortgage Bonds, __% Series, due 1978 and $3,000,000 principal amount of __% Sinking Fund Debentures, due 1973; and

The Commission having by order dated March 15, 1948 permitted the declaration, as amended, to become effective subject to the condition that the proposed issue and sale of Bonds and Debentures shall not be consummated until the results of the competitive bidding requirements pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission with respect thereto, and subject to a reservation of jurisdiction with respect to the payment of fees and expenses of all counsel in connection with the proposed transactions; and

Utah having filed a further amendment in its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, the following bids for the First Mortgage Bonds have been received:

Bidding group	Coupon rate	Price to company (percent of principal amount)	Cost to company
	Per cent		
Lehman Bros.	3⅛	101.1299	3.067
White, Weld & Co.	3⅛	100.8369	3.082
Halsey, Stuart & Co., Inc.	3⅛	100.5311	3.098
Salomon Bros. & Hutzler	3⅛	100.4559	3.102
Harriman Ripley & Co., Inc.	3⅛	100.136	3.118
Kidder, Peabody & Co.	3¼	102.20	3.136
The First Boston Corp., Blyth & Co., Inc.	3¼	101.799	3.158

Said amendment to the declaration having contained the statement that Utah has accepted the bid of Lehman Brothers for the First Mortgage Bonds as set out above and that such Bonds will be offered for sale to the public at a price of 101.46% of the principal amount thereof, plus accrued interest resulting in an underwriting spread equal to 0.3301% of the principal amount of the Bonds or a total of $9,900.30; and

Said amendment further stating that pursuant to an invitation for competitive bids the following bids were received for the Debentures:

Bidding group	Coupon rate	Price to company (percent of principal amount)	Cost to company
	Per cent		
The First Boston Corp., Blyth & Co., Inc.	3⅛	100.798	3.452
White, Weld & Co.	3⅜	101.0319	3.562
Halsey, Stuart & Co., Inc.	3⅜	100.5311	3.593
Salomon Bros. & Hutzler	3¾	101.4199	3.663

Said amendment further setting forth that Utah has accepted the bid of the group headed jointly by The First Boston Corporation and Blyth & Co., Inc. as set out above and that the Debentures will be offered for sale to the public at a price of 101.675% of principal amount thereof plus accrued interest resulting in an underwriters' spread of .877% of the principal amount of the Debentures or a total of $26,310; and

Said amendment having also set forth the nature and extent of legal services rendered and the fees and expenses requested as follows: Reid & Priest, Counsel for the Company, $6,500, and Beekman & Bogue, Counsel for the prospective underwriters, $6,000; and

The Commission having examined said amendments and having considered the record herein and finding no basis for imposing terms and conditions with respect to the prices to be received for said First Mortgage Bonds and Debentures, the redemption prices thereof, the interest rate thereon and the underwriters' spread; and

It appearing that the proposed fees for legal services are not unreasonable;

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said First Mortgage Bonds and Debentures be, and the same hereby is, released, and said declaration, as further amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over fees and expenses of counsel in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2993; Filed, Apr. 5, 1948; 8:46 a. m.]

[File No. 70-1773]

PUBLIC SERVICE CORP. OF NEW JERSEY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of March 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act") and the General Rules and Regulations promulgated thereunder, by Public Service Corporation of New Jersey ("Public Service"), a registered holding company. The declarant designates section 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 23, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized below:

Public Service has heretofore filed a plan of reorganization which has been approved by this Commission and ordered enforced by the United States District Court for the District of New Jersey. Said plan provided, inter alia, for the sale or other disposition of Public Service's interests in its gas utility subsidiary, County Gas Company. Pursuant to said plan, Public Service has publicly invited bids for the purchase of all of its holdings of securities of County Gas Company, consisting of 7,460 shares of the common stock of said company representing 86.48% of such stock outstanding. In response to such invitation, Public Service received the following bids:

Bidder	Price	
	Aggregate	Per share
Integrity Management Co., Philadelphia, Pa.	$82,060.00	$11.00
Max L. Heine, New York	82,507.60	11.06
Dwight C. Baum, Los Angeles, Calif.	111,900.00	15.00
James S. Abrams, Jr., New York	126,820.00	17.00

Public Service has accepted the bid of James S. Abrams, Jr., acting for and on behalf of himself and certain other parties and proposes to sell such stock to said purchaser, at the price set forth above. The purchaser states that the stock is to be held for investment.

Public Service has requested that our order contain findings that the proposed transaction is necessary or appropriate to effectuate the provisions of section 11 (b) and in respect thereof contain the specifications and recitals required by section 1808 (f) of the Internal Revenue code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2994; Filed, Apr. 5, 1948; 8:47 a. m.]

[File Nos. 59-76, 54-126]

EASTERN GAS AND FUEL ASSOCIATES

MEMORANDUM OPINION AND ORDER REOPENING RECORD AND RECONVENING HEARING FOR LIMITED PURPOSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of March 1948.

There is pending before this Commission an application filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Eastern Gas and Fuel Associates ("Eastern"), a registered holding company and a subsidiary of Koppers, Inc., also a registered holding company, for approval of a plan of recapitalization of Eastern submitted for the stated purpose of bringing its capital structure into compliance with the provisions of section 11 (b) (2) of the act.

After appropriate notice hearings were convened. During the course of the hearings, which were held on thirty-two days beginning in July 1945 and ending on January 7, 1947, Eastern filed various amendments to its application and plan, the last of which was filed on January 6, 1947. Following the hearings, Eastern and the other parties and participants who had appeared on behalf of 6% preferred stockholders and common stockholders of Eastern, submitted statements of their views with respect to the evidence and issues in the proceeding. With the concurrence of all parties and participants, the record was closed on March 10, 1947.

It has come to the attention of the Commission that since the closing of the record, certain facts and circumstances have risen, concerning the earnings and operations of Eastern and its subsidiaries, which may have a bearing on the issues in this proceeding and have not heretofore been considered in the record.

Under the circumstances, the Commission deems it to be appropriate in the public interest and in the interest of investors and consumers that the record in these proceedings be reopened and that hearings be reconvened solely for the limited purpose of affording all parties and participants an opportunity to adduce evidence with respect to any material facts and matters affecting Eastern and its subsidiaries which have occurred subsequent to December 31, 1946. It is our intention that the scope of the evidence at such hearings be limited to such matters as were not presented at the earlier and extensive hearings held on said plan of recapitalization, as amended. Wherefore, *It is ordered*, That:

1. The record in these proceedings be and hereby is reopened and that a hearing shall be held, for the limited purpose hereinafter provided, on the 29th day of April 1948 at 10:00 a. m., e. s. t. at the offices of this Commission 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held.

2. The evidence to be adduced at said reconvened hearing shall be limited solely to any material matters or facts affecting Eastern or its subsidiaries which may have arisen since December 31, 1946, unless good cause is shown for the introduction of other evidence.

3. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before April 23, 1948.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this memorandum opinion, order and notice by registered mail to the applicant and to all parties and persons who were heretofore granted leave to be heard and to participate in these proceedings, or to their respective counsel of record herein, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the Act, and that further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2995; Filed, Apr. 5, 1948; 8:47 a. m.]

[File No. 68-97]

ELECTRIC POWER AND LIGHT CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1948.

In the matter of Percival E. Jackson, Robert I. Herzog, and C. Perry King, acting as Electric Power & Light Corporation $7 and $6 Preferred Stock Committee, File No. 68-97.

A declaration and amendments thereto regarding the solicitation of holders of the $7 preferred stock and $6 preferred stock of the Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935, and an application under paragraph (j) of said Rule U-62, for the solicitation of both the holders of $7 and $6 Series of said preferred stocks having been filed by Percival E. Jackson, Robert I. Herzog, and C. Perry King as a committee for Electric Power & Light Corporation's $7 and $6 preferred stocks; and

Said application under paragraph (j) of Rule U-62 reciting that the applicants-declarants intend and commit themselves to take no part whatever in any consideration or determination of any question wherein there may be a conflict between the $7 and $6 Series of said preferred stocks; and

The applicants-declarants having requested that said declaration as amended be permitted to become effective forthwith; and

It appearing to the Commission that it is appropriate to grant said application and to permit the effectiveness of said declaration, both as amended:

It is ordered, That said application and said declaration, both as amended, be, and they hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2996; Filed, Apr. 5, 1948; 8:48 a. m.]

[File No. 70-1763]

WEST TEXAS UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 30th day of March A. D. 1948.

West Texas Utilities Company ("West Texas"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") with respect to the following proposed transaction:

West Texas presently holds in nominee names 1,983 shares of its $6 Preferred Stock, without par value, which it acquired in the period 1935 through 1943. West Texas proposes to issue and sell such shares locally through brokers, or directly to the public, at the market price for its preferred stock prevailing at the time of such sale, but in no event will such sale be made at a price to net the company less than $110 per share and accrued dividends. The declaration states that the company proposes to sell such stock with notification to the purchasers that the stock is subject to redemption at the company's option at $110 per share and accrued dividends; and

West Texas having stated that such shares are being sold to obtain cash for working capital; and

Said declaration having been filed on March 4, 1947 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said Notice, or otherwise, and not having ordered a hearing thereon; and

Declarant having requested that the Commission's order herein become effective forthwith upon issuance; and

The Commission finding with respect to said declaration that the preferred stock proposed to be reissued represents a relatively minor portion of the declarant's capitalization and that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective and to grant the request of West Texas:

It is ordered, Pursuant to Rule U-23, and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2997; Filed, Apr. 5, 1948; 8:48 a. m.]

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 29th day of March 1948.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, Finleyville Oil and Gas Company. File No. 70-1633.

Philadelphia Company, a registered holding company, Pittsburgh and West Virginia Gas Company, a registered holding company, Equitable Gas Company, and Finleyville Oil and Gas Company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder regarding a proposed recapitalization of Equitable Gas Company and other related transactions, all as summarized in Holding Company Act Release No. 8008; and

The Commission, on March 3, 1948, having issued its notice of filing and order for hearing on said joint application and declaration, directing that a hearing be held on March 30, 1948; and

Applicants-declarants having requested the Commission to postpone the date for hearing from March 30, 1948 to April 20, 1948, and it appearing appropriate to the Commission that such request be granted:

It is hereby ordered, That the hearing in this matter originally scheduled for March 30, 1948 at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., be, and hereby is, postponed to April 20, 1948, at 10:00 a. m., e. s. t., at the same place and before the same hearing officer previously designated. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2998; Filed, Apr. 5, 1948; 8:48 a. m.]

[File No. 70-1748]

TEXAS UTILITIES CO. AND TEXAS ELECTRIC SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1948.

Texas Electric Service Company ("Texas Electric"), an electric utility company and its parent registered holding company ("Texas Utilities"), a subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-45 and U-50 thereunder regarding: (1) the issue and sale by Texas Electric, in accordance with the competitive bidding requirements of Rule U-50, of $5,000,000 principal amount of First Mortgage Bonds, --% Series due 1978 ("Bonds"); (2) the issue and sale also at competitive bidding, of $5,000,000 principal amount of --% Sinking Fund Debentures due 1973 ("Debentures"); and (3) the cash contribution by Texas Utilities to Texas Electric of $1,500,000, such amount to be added to the stated value of Texas Electric common stock; and

The Commission having by order dated March 19, 1948, granted and permitted to become effective said joint application-declaration, as amended, subject to the condition that the proposed issue and sale of said Bonds and Debentures not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding, and a further order entered by the Commission in light of the record as so completed and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses of all counsel incurred or to be incurred in connection with the proposed transactions; and

Texas Electric and Texas Utilities having filed a further amendment to its application-declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, eight bids for said Bonds by eight groups of underwriters headed by the firms set forth below were received:

Underwriting group for the bonds	Coupon rate	Price to company	Cost to company
	Percent		
Union Securities Corp.	3	100.8699	2.9561
Solomon Bros.	3	100.82399	2.9584
Halsey, Stuart & Co. Inc.	3	100.7199	2.9636
Harriman Ripley & Co., Inc.	3	100.711	2.9641
The First Boston Corp.	3	100.699	2.9647
Hemphill, Noyes & Co.	3	100.679	2.9657
Blyth & Co. Inc.	3	100.53	2.9732
Glore, Forgan & Co.	3	100.461	2.9767

Said amendment to the application-declaration having contained the statement that Texas Electric has accepted the bid for the Bonds of the group headed by Union Securities Corporation, as set out above, and that the Bonds will be offered for sale to the public at a price of 101.19% of the principal amount thereof resulting in an underwriters' spread of 0.3201% per unit or a total of $16,005; and

Said amendment further stating that also pursuant to an invitation for competitive bids, seven bids for said Debentures by seven groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
	Percent		
The First Boston Corp.	3¼	101.389	3.1691
Halsey, Stuart & Co. Inc.	3¼	100.27999	3.2336
Harriman Ripley & Co., Inc.	3⅜	101.981	3.2585
Hemphill, Noyes & Co.	3⅜	101.579	3.2819
Blyth & Co. Inc.	3⅜	101.58	3.2819
Solomon Bros. & Hutzler	3⅜	101.1667	3.3061
Glore, Forgan & Co.	3⅜	100.27	3.3590

Said amendment to the application-declaration having contained the statement that Texas Electric has accepted the bid for the Debentures of the group headed by The First Boston Corporation, as set out above, and that the Debentures will be offered for sale to the public at a price of 102.125% of the principal amount thereof resulting in an underwriters' spread of 0.736% per unit or a total of $36,800; and

The Commission finding that the proposed payment of counsel fees in the amount of $12,500 to Reid & Priest, New York counsel for applicants-declarants, $12,500 to Cantey, Hanger, McKnight & Johnson, local counsel for applicants-declarants, and $8,000 to Winthrop, Stimpson, Putnam & Roberts, counsel for the successful bidders for said Bonds and Debentures, whose fee is to be paid by the successful bidders, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds and Debentures under Rule U-50 be, and the same hereby is, released, and that the amendment filed on March 30, 1948, to said application-declaration be, and the same hereby is, granted and permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said Bonds and Debentures, including fees payable to counsel for the successful bidders, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2999; Filed, Apr. 5, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10764]

IRMA C. NISHIZAWA

In re: Bank account and interest in securities owned by Irma C. Nishizawa. F-39-4041-E-1. F-39-4041-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irma C. Nishizawa, whose last known address is Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu 1, T. H., arising out of a checking account, entitled Estate of Masa Uyeda, Deceased, by Robert K. Murakami, Administrator, maintained at the branch office of the aforesaid bank located at King and Smith Streets, Honolulu, T. H., and any and all rights to demand, enforce and collect the same, and

b. An undivided one-fifth interest in and to 30 shares of the $20 par value common capital stock of K. Uyeda, Limited, 1029 Nuuanu Avenue, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 103 for 25 shares and Certificate Number 142 for 5 shares, registered in the name of Masa Uyeda, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3008; Filed, Apr. 5, 1948; 8:49 a. m.]

[Vesting Order 10768]

TOKUE TAKAHASHI AND YUKI TAKAHASHI

In re: Treasury warrant and certificate of deposit owned by Tokue Takahashi and Yuki Takahashi and debt owing to and Diathermy Apparatus owned by Tokue Takahashi. F-39-1717-A-2, F-39-1717-C-2, F-39-1717-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokue Takahashi and Yuki Takahashi, whose last known address is Shimzu-shi, Shizuoka, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One United States Treasury Warrant dated January 7, 1944, in the

amount of $301.44, payable to Tokue Takahashi and Yuki Takahashi, and presently in the possession of Mariko Sumida, 1520 Farrington Street, Honolulu, T. H., and any and all rights in, to and under the aforementioned Treasury Warrant, and

b. One Certificate of Deposit Number 42395, issued by Yokohama Specie Bank, Yokohama, Japan, dated March 4, 1941, in the amount of ¥20,000.00, and presently in the possession of Mariko Sumida, 1520 Farrington Street, Honolulu, T. H., and any and all rights in, to and under the aforementioned certificate of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. That certain debt or other obligation owing to Tokue Takahashi, by International Enterprises, Limited, doing business as House of Mitsukoshi, P. O. Box 2, Honolulu 10, T. H., in the amount of $37.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. One Diathermy Apparatus, presently in the custody of Mariko Sumida, 1520 Farrington Street, Honolulu, T. H.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tokue Takahashi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3009; Filed, Apr. 5, 1948; 8:49 a. m.]

[Vesting Order 10898]

PAUL BAUMANN

In re: Debts owing to Paul Baumann. F-28-17285-C-1, F-28-17285-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Baumann, whose last known address is c/o I. G. Farbenindustrie A. G., Frankfurt-am-Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Paul Baumann, by Chemnyco, Inc., c/o Office of Alien Property, 120 Broadway, New York, New York, in the amount of $161.67, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. All those debts or other obligations owing to Paul Baumann, by Bank of Baton Rouge, in Liquidation, Fidelity National Bank Building, Baton Rouge, Louisiana, including particularly but not limited to the amount of $224.19, as of December 15, 1946, and any and all accruals thereto, evidenced by five (5) liquidating dividend checks issued at various dates, presently in the possession of said Bank of Baton Rouge, in Liquidation, Fidelity National Bank Building, Baton Rouge, Louisiana, and any and all rights to demand, enforce and collect the same, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3010; Filed, Apr. 5, 1948; 8:49 a. m.]

[Vesting Order 10927]

CARL RAFF

In re: Stock, bond and mortgage participation certificates owned by Carl Raff, also known as Karl Raff. F-28-28577-A-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Raff, also known as Karl Raff, whose last known address is 2 Brunnon St., Weilheim-Tek, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number VH 427474, registered in the name of Karl Raff, together with all declared and unpaid dividends thereon,

b. Five (5) shares of capital stock of Two East 61st Street Corporation, New York City, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number AU146 for one (1) share and certificate number BU171 for four (4) shares, registered in the name of Carl Raff, and presently in the custody of Ernst Raff, 1729 Linden Street, Brooklyn 27, New York, together with all declared and unpaid dividends thereon,

c. One (1) Barc-Ray Holding Corp. Bond of $1,000 face value, bearing the number M2346, presently in the custody of Ernst Raff, 1729 Linden Street, Brooklyn 27, New York, together with any and all rights thereunder and thereto,

d. One (1) Two East 61st Street Corporation Mortgage Participation Certificate of $400 face value, bearing the number 185, registered in the name of Carl Raff, presently in the custody of Ernst Raff, 1729 Linden Street, Brooklyn 27, New York, together with any and all rights thereunder and thereto, and

e. One (1) Two Park Avenue Building, Inc. Mortgage Participation Certificate of $1,000 face value, bearing the number M82, registered in the name of Carl Raff, presently in the custody of Ernst Raff, 1729 Linden Street, Brooklyn 27, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3011; Filed, Apr. 5, 1948; 8:49 a. m.]

ANNA ROSENFELD KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Rosenfeld Klein, or, Szaboles Megye, Hungary; 7548; $1,229.33 in the Treasury of the United States.

Executed at Washington, D. C., on March 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3012; Filed, April 5, 1948; 8:50 a. m.]

BERTALAN MAGYAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bertalan Magyar, New York, New York; 6435; a one-half undivided interest in property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,225,267.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3013; Filed, Apr. 5, 1948; 8:50 a. m.]

RENE FRANCOIS JULES PAUL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rene Francois Jules Paul, Vesoul, France; 12871; Property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943), relating to United States Letters Patent No. 2,209,034 including all interests and rights created in the Attorney General by virtue of a license agreement (License No. 2326F, dated September 17, 1947) entered into by the Attorney General and Slocum Industries, Inc., a corporation of Massachusetts.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3014; Filed, Apr. 5, 1948; 8:50 a. m.]

[Vesting Order 10933]

ELSA MULLER ET AL.

In re: Interest in real property and property insurance policies owned by Elsa Muller and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Muller, Margarth Hoffman, Bettehe Steinhaus and Balthasar Steinhaus, whose last known addresses are Amonau 23, Uber Marburg, on the Lahn, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-fourths interest in real property situated in the City and County of Philadelphia, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Parcel 1. All that certain lot or piece of ground with the messuage or Tenement thereon erected situate on the West side of Myrtlewood Avenue at the distance of Sixty-three feet Northward from the North side of Master Street in the Twenty ninth Ward of the City of Philadelphia containing in front or breadth on said Myrtlewood Avenue Fourteen feet and extending of that width in length or depth Westward Fifty four feet to a certain Four feet wide alley Bounded Northward and Southward by ground now or late

of William T. B. Roberts, Eastward by said Myrtlewood Avenue and Westward by said Four feet wide alley, together with the free use, right, liberty and privilege of the said alley as and for a passage way and water course in common with the owners and occupants of the adjoining properties at all times hereafter forever.

Parcel 2. All that certain lot or piece of ground with the two story brick messuage or tenement thereon erected situate on the East side of Myrtlewood Avenue at the distance of Two hundred and seventy three feet one inch Northward from the North side of Master Street in the Twenty-ninth Ward of the City of Philadelphia containing in front or breadth in said Myrtlewood Avenue Thirteen feet Eleven inches and extending of that width in length or depth Eastward between parallel lines at right angles with said Myrtlewood Avenue Forty six feet to a certain three feet wide alley leading Northward into Jefferson Street and communicating at the Southern end with a certain Four feet wide alley extending Southward into Master Street, together with the free and common use, right, liberty and privilege of the said Alleys as and for passage ways and water courses at all times hereafter forever.

Parcel 3. All that certain lot or piece of ground with the messuage or tenement thereon erected situate on the North side of Master Street at the distance of Fifteen feet Eastward from the East side of Thirtieth Street in the Twenty-ninth Ward of the City of Philadelphia containing in front or breadth on the said Master Street Fourteen feet eight inches and extending of that width in length or deph Northward between parallel lines at right angles with the said Master Street Sixty feet to a certain Three feet wide alley which extends Eastward from the said Thirtieth Street to Myrtlewood Street, together with the free and common use, right, liberty and privilege of the said alley as and for a passageway and watercourse at all times hereafter forever.

EXHIBIT B

The property insurance policies, covering the real property situated in the City and County of Philadelphia, State of Pennsylvania, are as follows:

	Insurance Company	Type	Policy No.	Face amount	Expiration date
Parcel 1					
1408 North Myrtlewood St.	The Girard Fire & Marine Insurance Co., 500 Walnut St., Philadelphia, Pa.	Fire	32408	$1,000.00	July 30, 1949
Parcel 2					
1439 North Myrtlewood St.	The Girard Fire & Marine Insurance Co	do	47465	1,000.00	May 12, 1954
Parcel 3					
2941 Master St.	do	do	51113	2,500.00	Sept. 1, 1949

[F. R. Doc. 48-2982; Filed, Apr. 2, 1948; 8:55 a. m.]